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SUB-TYPE: AFF-Affirmative

FR CITE: 76 FR 67688 FR CITE DATE: 11/02/2011

REFERENCE
MESSAGE #
(s):

CASE #(s): A-201-839

EFFECTIVE DATE: 11/02/2011 COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 01/01/2010 TO 12/31/2010

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF PRELIM DETERMINATION OF SALES AT LTFV AND POSTPONEMENT OF FINAL DETERMINATION IN AD INVESTIGATION OF BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM MEXICO (A-201-839)

1. ON 11/02/2011, THE DEPARTMENT OF COMMERCE (COMMERCE) PUBLISHED IN THE FEDERAL REGISTER (76 FR 67688) ITS AFFIRMATIVE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE , POSTPONEMENT OF THE FINAL DETERMINATION, AND CRITICAL CIRCUMSTANCES DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM MEXICO. THIS MESSAGE PERTAINS TO THE AFFIRMATIVE PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE AND POSTPONEMENT OF THE FINAL DETERMINATION.

2. THE MERCHANDISE COVERED BY THIS INVESTIGATION IS ALL BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS AND CERTAIN ASSEMBLIES THEREOF FROM MEXICO. FOR PURPOSES OF THE INVESTIGATION, THE TERM "BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS" DENOTES FREESTANDING OR BUILT-IN CABINETS THAT HAVE AN INTEGRAL SOURCE OF REFRIGERATION USING COMPRESSION TECHNOLOGY, WITH ALL OF THE FOLLOWING CHARACTERISTICS:

- THE CABINET CONTAINS AT LEAST TWO INTERIOR STORAGE COMPARTMENTS ACCESSIBLE THROUGH ONE OR MORE SEPARATE EXTERNAL DOORS OR DRAWERS OR A COMBINATION THEREOF;
- AN UPPER-MOST INTERIOR STORAGE COMPARTMENT(S) THAT IS ACCESSIBLE THROUGH AN EXTERNAL DOOR OR DRAWER IS EITHER A REFRIGERATOR COMPARTMENT OR CONVERTIBLE COMPARTMENT, BUT IS NOT A FREEZER COMPARTMENT; AND
- THERE IS AT LEAST ONE FREEZER OR CONVERTIBLE COMPARTMENT THAT IS MOUNTED BELOW AN UPPER-MOST INTERIOR STORAGE COMPARTMENT(S).

FOR PURPOSES OF THE INVESTIGATION, A REFRIGERATOR COMPARTMENT IS CAPABLE OF STORING FOOD AT TEMPERATURES ABOVE 32 DEGREES F (0 DEGREES C), A FREEZER COMPARTMENT IS CAPABLE OF STORING FOOD AT TEMPERATURES AT OR BELOW 32 DEGREES F (0 DEGREES C), AND A CONVERTIBLE COMPARTMENT IS CAPABLE OF OPERATING AS EITHER A REFRIGERATOR COMPARTMENT OR A FREEZER COMPARTMENT, AS DEFINED ABOVE.

ALSO COVERED ARE CERTAIN ASSEMBLIES USED IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS, NAMELY: (1) ANY ASSEMBLED CABINETS DESIGNED FOR USE IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS THAT INCORPORATE, AT A MINIMUM: (A) AN EXTERNAL METAL SHELL, (B) A BACK PANEL, (C) A DECK, (D) AN INTERIOR PLASTIC LINER, (E) WIRING, AND (F) INSULATION; (2) ANY ASSEMBLED EXTERNAL DOORS DESIGNED FOR USE IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS THAT INCORPORATE, AT A MINIMUM: (A) AN EXTERNAL METAL SHELL, (B) AN INTERIOR PLASTIC LINER, AND (C) INSULATION; AND (3) ANY ASSEMBLED EXTERNAL DRAWERS DESIGNED FOR USE IN BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS THAT INCORPORATE, AT A MINIMUM: (A) AN EXTERNAL METAL SHELL, (B) AN INTERIOR PLASTIC LINER, AND (C) INSULATION.

THE PRODUCTS SUBJECT TO THE INVESTIGATION ARE CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 8418.10.0010, 8418.10.0020, 8418.10.0030, AND 8418.10.0040 OF THE HARMONIZED TARIFF SYSTEM OF THE UNITED STATES (HTSUS). PRODUCTS SUBJECT TO THIS INVESTIGATION MAY ALSO ENTER UNDER HTSUS SUBHEADINGS 8418.21.0010, 8418.21.0020, 8418.21.0030, 8418.21.0090, AND 8418.99.4000, 8418.99.8050, AND 8418.99.8060. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE SUBJECT TO THIS SCOPE IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-201-839.

4. FOR IMPORTS OF BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM MEXICO FROM THE PRODUCERS AND/OR EXPORTERS LISTED BELOW, CBP SHALL SUSPEND LIQUIDATION OF SUCH ENTRIES WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 11/02/2011. EFFECTIVE 11/02/2011, FOR ENTRIES OF BOTTOM MOUNT COMBINATION REFRIGERATOR-FREEZERS FROM MEXICO FROM THE PRODUCERS AND/OR EXPORTERS LISTED BELOW, CBP SHALL REQUIRE A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE

FOLLOWING DUMPING MARGINS.

PRODUCER AND/OR EXPORTER: ELECTROLUX HOME PRODUCTS, CORP.

NV/ELECTROLUX HOME PRODUCTS DE MEXICO, S.A. DE C.V.

CASE NUMBER: A-201-839-001

CASH DEPOSIT RATE: 19.80%

PRODUCER AND/OR EXPORTER: LG ELECTRONICS MONTERREY MEXICO, S.A. DE C.V.

CASE NUMBER: A-201-839-002

CASH DEPOSIT RATE: 16.44%

PRODUCER AND/OR EXPORTER: CONTROLADORA MABE, S.A. DE C.V./MABE, S.A. DE C.V.

CASE NUMBER: A-201-839-003

CASH DEPOSIT RATE: 36.21%

ALL OTHERS

CASE NUMBER: A-201-839-000

CASH DEPOSIT RATE: 28.02%

THE DESIGNATION OF "M" IN THE APPENDED TABLE APPLIES WHERE THE MERCHANDISE WAS PRODUCED BY, EXPORTED BY, OR PRODUCED AND/OR EXPORTED BY THE NAMED COMPANY.

5. IF ANY ENTRIES OF THIS MERCHANDISE ARE EXPORTED BY A FIRM OTHER THAN THE MANUFACTURER, THEN THE FOLLOWING INSTRUCTIONS APPLY:

A. IF THE EXPORTER OF THE SUBJECT MERCHANDISE DOES NOT HAVE ITS OWN RATE BUT THE MANUFACTURER HAS ITS OWN RATE, THE CASH DEPOSIT OR BONDING RATE WILL BE THE MANUFACTURER'S RATE.

B. WHERE NEITHER THE EXPORTER NOR THE MANUFACTURER HAS ITS OWN RATE OR THE MANUFACTURER IS UNKNOWN, USE THE "ALL OTHER" RATE OF 28.02 PERCENT TO ESTABLISH THE CASH DEPOSIT OR BONDING RATE.

6. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CBP OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE

ESTIMATED ANTIDUMPING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING DUTIES, CBP OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O2: KJ).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party

Case #	Rate	Party Indicator*	Party ID	Party Name
A-201-839-000	28.02	M		All-Others
A-201-839-001	19.8	M		Electrolux Home Products, Corp. NV/Electrolux Home Products De Mexico, S.A. de C.V.
A-201-839-002	16.44	M		LG Electronics Monterrey Mexico, S.A. de C.V.
A-201-839-003	36.21	M		Controladora Mabe, S.A. de C.V./Mabe, S.A. de C.V.